



## **H.R. 916 - John R. Justice Prosecutors and Defenders Incentive Act of 2007**

### **Floor Situation**

H.R. 916 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative David Scott (D-GA) on February 8, 2007. The bill was ordered to be reported from the Committee on the Judiciary, by voice vote, on May 2, 2007.

H.R. 916 is expected to be considered on May 15, 2007.

### **Summary**

H.R. 916 authorizes the United States Attorney General to establish a program to assume the obligation to repay student loans for persons that are employed as public prosecutors and public defenders.

In order to receive this repayment, a borrower shall enter into a written agreement with the Attorney General that specifies that:

- The borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;
- If the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;
- If the borrower is required to repay an amount to the Attorney General and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;
- The Attorney General may waive, in whole or in part, a right of recovery if it is shown that recovery would be against equity and good conscience or against the public interest; and,



- The Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

The bill also allows the borrower and the Attorney General to enter into an additional loan repayment agreement at the end of the 3 year period, which can not exceed 3 additional years.

The Attorney General may provide \$10,000 a year to the repayment of student loans for a borrower, and may not provide more than \$60,000 to one borrower in a lifetime.

The bill authorizes \$25 million for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.

### **Background**

According to a National Survey of Prosecutors conducted by the Bureau of Justice Statistics, 24 percent of state and local prosecutor offices reported problems in 2005 recruiting new attorneys, and 35 percent reported problems retaining attorneys. Approximately 80 percent of law students use student loans to pay for their legal education, and, according to the American Bar Association, the average debt for law school graduates in the class of 2005 was \$78,763 for private school and \$51,056 for public school graduates.

### **Cost**

“Assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$83 million over the 2008-2012 period, with additional amounts spent in later years. Enacting H.R. 916 would not affect direct spending or revenues.” [CBO Cost Estimate](#)

### **Staff Contact:**

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